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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,422	03/17/2000	Alexander I. Krymski	M4065.0802/P802	4176
45374 7590 05/11/2009 DICKSTEIN SHAPIRO LLP 1825 EYE STREET, NW WASHINGTON, DC 20006				
EXAMINER				
MISLEH, JUSTIN P				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Applicant's arguments filed April 16, 2009 have been fully considered but they are not persuasive.
2. Applicant's arguments are directed towards Sauer as if Sauer was relied on exclusively (i.e., without Merrill). Specifically, Applicant indicates, "the disclosure cited by the Office Action at pgs. 3-4 plainly occurs before Sauer transfers charge from its photodetector 116 for read out." See Remarks, pg. 7-8.
3. This argument would be relevant if Sauer was relied on exclusively to reject Claim 1. However, Merrill was relied for a first portion of Claim 1 and Sauer was relied on for the remaining portion. Applicant does not dispute the state that Merrill leaves the pixel readout line; and, accordingly, does not dispute the teachings of Merrill relied upon to for the first portion of Claim 1. Since Merrill already provides this teaching, it is not necessary for Sauer to repeat. In the Final Rejection, the Examiner relied on Sauer from the point of view of its operation in preparing the output circuit for a subsequent pixel readout (e.g., clamping of the output circuit). However, Applicant's arguments further take into account Sauer's capturing and placing of the pixel signal onto the readout line. Again, this portion of Sauer is irrelevant. Applicant's argument amounts to an attempt to bodily incorporate the teachings of Sauer in Merrill. The Examiner respectfully notes the proper test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The Examiner believes the combined teachings of Merrill and Sauer would have suggested Applicant's Claim 1 to one of ordinary skill in the art. For these reasons, the rejection will be maintained.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/  
Primary Examiner  
Group Art Unit 2622  
May 11, 2009**